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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,328	03/12/2001	James M. Chen	4488	1020

7590

03/24/2005

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EXAMINER

JOHNSON, EDWARD M

ART UNIT

PAPER NUMBER

1754

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/804,328

**Applicant(s)**

CHEN ET AL.

**Examiner**

Edward M. Johnson

**Art Unit**

1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3,5-7,10-14 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3,5-7,10-14 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 depends from a canceled claim.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 10-14, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riley et al. US 5,200,162 in view of Fetzner '928.

Regarding claim 18, Riley '162 discloses a process for nitrous oxide decomposition comprising contacting a nitrous

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oxide and NOx stream with ammonia and zeolite (see column 4, lines 34-38 and column 8, lines 48-51), at 250-650 degrees Celsius (see Example 10).

Riley '162 fails to disclose beta zeolite selective for simultaneous reduction.

Fetzer '928 discloses beta zeolite (see above).

It is considered that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the beta zeolite selective of simultaneous reduction of Fetzer in the nitrous oxide decomposition process of Riley because Fetzer discloses his beta zeolite as particularly suitable to make possible the reduction or decomposition of nitrous oxide (see column 4, lines 14-23) and precious metals for both nitrous oxide and NOx (see column 4, lines 65-68 and column 8, lines 50-51).

Regarding claim 3, Riley '162 discloses 250-650 degrees Celsius (see Example 10).

Regarding claims 10-11, Riley '162 discloses iron-exchanged zeolites (see column 5, lines 10-13).

Regarding claims 12-14, Riley '162 discloses up to 30% or significantly lower (see claim 3, and column 1, lines 19-26).

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5. Claims 3, 5-6, 10-14, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al. US 4,571,329 in view of Fetzer '928.

Regarding claim 18, Kato '329 discloses a process for ammonia reduction of nitrous oxide comprising contacting nitrous oxide containing gas with ammonia (abstract) and zeolite (see column 3, lines 43-48) and discloses removal of NO<sub>x</sub> and N<sub>2</sub>O (abstract).

Kato fails to disclose beta zeolite selective for simultaneous reduction.

Fetzer '928 discloses beta zeolite (see above).

It is considered that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the beta zeolite of Fetzer in the nitrous oxide decomposition process of Riley because Fetzer discloses his beta zeolite as particularly suitable to make possible the reduction or decomposition of nitrous oxide (see column 4, lines 14-23) and precious metals for both nitrous oxide and NO<sub>x</sub> (see column 4, lines 65-68 and column 8, lines 50-51).

Regarding claims 3, Kato '329 discloses 300-500 degrees Celsius (see column 7, line 30).

Regarding claims 5-6 and 12-14, Kato '329 discloses 1000 ppm of N<sub>2</sub>O and ammonia (see column 7, lines 22-25).

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Regarding claims 10-11, Kato '329 discloses Fe exchanged zeolite (see column 4, lines 23-25).

6. Claims 3, 10-11, and 18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchitani et al. US 5,756,057 in view of Fetzer '928.

Regarding claim 18, Tsuchitani '057 discloses a method for removal of NOx comprising contacting a stream containing N<sub>2</sub>O (see column 4, lines 33-36) with reducing agent such as ammonia (see column 4, lines 41-43 and 48-50) and a catalyst comprising a zeolite (see column 5, lines 7-11, Example 21, and Table 1).

Tsuchitani fails to disclose beta zeolite.

Fetzer '928 discloses beta zeolite (see above).

It is considered that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the beta zeolite of Fetzer in the nitrous oxide decomposition process of Riley because Fetzer discloses his beta zeolite as particularly suitable to make possible the reduction or decomposition of nitrous oxide (see column 4, lines 14-23) and precious metals for both nitrous oxide and NOx (see column 4, lines 65-68 and column 8, lines 50-51).

Regarding claim 3, Tsuchitani '057 discloses a temperature of 400 degrees (see column 20, lines 46-59 and 65-66).

Regarding claims 10-11, Tsuchitani '057 discloses exchanging with an ionic copper amine complex (see Example 21).

***Response to Arguments***

7. Applicant's arguments filed 1/4/05 have been fully considered but they are not persuasive.

It is argued that in the referenced Office Action the Examiner asserts... beta zeolite and ammonia. This is not persuasive for reasons already of record. Fetzer nowhere discloses that beta zeolite is removed from the disclosed process after stage B, as Applicant appears to suggest. Applicant points out that additional beta zeolite is not added in stage C, which is separate. This again is not persuasive for reasons of record.

It is argued that Fetzer is cited as disclose the use of beta zeolites. This is not persuasive because Fetzer is cited in the §103 rejection for a disclosure of beta zeolites and ammonia is already disclosed in Riley, both of which Applicant appears to admit.

It is argued that therefore, there is no disclosure or suggestion in either of Fetzer or Kato... BETA zeolite. This is not persuasive for reasons already of record.

It is argued that Tsuchitani does not disclose or suggest the invention of presently amended claim 18. This is not

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persuasive because although Tsuchitani does not disclose beta zeolite, as Applicant correctly asserts, it is considered that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use beta zeolite for reasons already of record. Applicant is correct that a §103 rejection was made over Tsuchitani.

**Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward M. Johnson whose telephone number is 571-272-1352. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley S. Silverman can be reached on 571-272-1358. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the

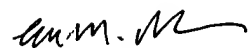


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receptionist whose telephone number is 571-272-0987.



Edward M. Johnson  
Examiner  
Art Unit 1754

EMJ

March 18, 2005